

## **Remarks**

This paper is responsive to the Final Office Action mailed September 21, 2005, which set a three-month shortened statutory period for response, to end December 21, 2005. This paper is timely filed within two months of the Final Office Action.

In the Action, the Office finally rejected claims 6-8, 34, and 36 under 35 U.S.C. § 112. The Office finally rejected claims 1 and 4-6 under 35 U.S.C. § 103(a). The Office objected to claim 3 for formal reasons. The Office allowed claim 35. The Office withdrew claims 21, 22, 25-29, 31-33, 37, and 38 from consideration for allegedly claiming non-elected subject matter.

In response to the Action, Applicants amend claim 3 to address the Office's objection, and cancel claims 1, 4-8, 34, and 36. Applicants also add new claims 39-42, which depend from claims 3 and 35.

### **Claim Objections**

On page 14 of the September 21, 2005 Action, the Office objected to claim 3 for the recitation of "HER 2-B" in place of, "HER-2 B cell epitope." In response, Applicants amend claim 3 according to the Office's objection. Applicants have also rewritten claim 3 in independent form including all of the limitations of the base claim and any intervening claims. Applicants therefore respectfully request withdrawal of the objection to claim 3.

### **New Claims**

Claims 39 and 40 depend from claim 3. Claims 41 and 42 depend from claim 35. Applicants believe claims 39-42 are in condition for allowance, and are fully supported by the specification. Applicants note that the new recitations of claims 39-42 were previously found in rejected claims 1 and 6-8, and thus, the Examiner has already searched this subject matter, and no new searching should be required by the Examiner.

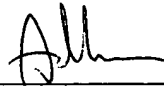
## **Conclusion**

In view of the foregoing remarks, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

If there is any fee due in connection with the filing of this Response, please charge the fee to our Deposit Account No. 03-0172.

Respectfully submitted,

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